

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SEAGEN INC.,

Plaintiff,

V.

DAIICHI SANKYO CO., LTD.,

Defendant,

ASTRAZENECA PHARMACEUTICALS LP,
AND ASTRAZENECA UK LTD.,

Intervenor-Defendants.

CASE NO. 2:20-cv-00337-JRG

JURY TRIAL DEMANDED

JOINT AGREED MOTIONS *IN LIMINE*

Plaintiff Seagen Inc. (“Seagen”) and Defendants Daiichi Sankyo Company, Limited, AstraZeneca Pharmaceuticals LP and AstraZeneca UK Ltd. (collectively, “Defendants”) jointly move the Court to enter the following motions *in limine*:

1. Preclude questioning, testimony, evidence, arguments or efforts to malign based on religious or political beliefs, race, ethnicity, gender, national origin, geographic location, sexual orientation, or health (including COVID-19 vaccination status) of a party, witness, attorney, or law firm, or commenting on related topics including political issues/leanings and the COVID-19 pandemic, or any party being a vaccine manufacturer.
2. Preclude questioning, testimony, evidence, or arguments referring to net worth of any witness or the size, total revenue, total profits, or market cap of the Parties.
3. Preclude questioning, testimony, evidence, or arguments regarding PTAB proceedings involving the '039 patent.
4. Preclude questioning, testimony, evidence, or arguments referring to Seagen as being “greedy” or any other pejorative synonyms.
5. Preclude questioning, testimony, evidence, or arguments suggesting that there is anything legally improper in filing a patent application or writing patent claims to cover a competitor’s product.

6. Preclude questioning, testimony, evidence, or arguments solely regarding prosecution laches or any other equitable issues from the jury trial.
7. Preclude questioning, testimony, evidence, or arguments suggesting or stating that any result of this case would or could have an effect on Enhertu[®], such as removing Enhertu[®] from the market, making Enhertu[®] unavailable to patients, taking Enhertu away from patients currently taking Enhertu[®], increasing the cost of Enhertu, or decreasing access to Enhertu.
8. No arguments, evidence, or reference to the relevant legal standards as applied under other civil or criminal cases except to the extent described in the jury instructions.
9. Preclude any attorney argument, evidence, testimony, insinuation, reference, or assertions regarding a witness' choice to testify in his or her native or chosen language.
10. No arguments or reference suggesting that Enhertu[®] infringes any Seagen non-asserted patents or patent applications.

Dated: February 14, 2022

Respectfully Submitted,

By: /s/ Michael A. Jacobs

Michael A. Jacobs
MJacobs@mofo.com
Matthew A. Chivvis
MChivvis@mofo.com
MORRISON & FOERSTER
LLP
425 Market Street
San Francisco, California 94105
Telephone: 415.268.7000
Facsimile: 415.268.7522

Bryan Wilson
BWilson@mofo.com
Pieter S. de Ganon
PdeGanon@mofo.com
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: 650.813.5600
Facsimile: 650.494.0792

Melissa R. Smith
Texas State Bar No. 24001351
melissa@gillamsmithlaw.com
GILLAM & SMITH, LLP
303 South Washington Avenue
Marshall, Texas 75670
Telephone: 903.934.8450
Facsimile: 903.934.9257

Of Counsel:

T. John Ward, Jr.
Texas State Bar No. 00794818
jw@wsfirm.com
Charles Everingham IV
Texas State Bar No. 00787447
ce@wsfirm.com
Andrea L. Fair
Texas State Bar No. 24078488
andrea@wsfirm.com
WARD, SMITH & HILL, PLLC
1507 Bill Owens Parkway

By: /s/ Deron R. Dacus

Deron R. Dacus
Texas State Bar No. 00790553
ddacus@dacusfirm.com
THE DACUS FIRM, P.C.
821 ESE Loop 323, Suite 430
Tyler, Texas 75701
Telephone: 903.705.1117
Facsimile: 903.581.2543

J. Mark Mann
Texas State Bar No. 12926150
mark@themannfirm.com
G. Blake Thompson
Texas State Bar No. 240420033
blake@themannfirm.com
MANN | TINDEL | THOMPSON
201 E. Howard Street
Henderson, Texas
Telephone: 903.357.8540
Facsimile: 903.657.6003

*Attorneys for Defendant Daiichi Sankyo
Company, Limited*

OF COUNSEL:

Preston K. Ratliff II
Ashley N. Mays-Williams
PAUL HASTINGS LLP
200 Park Avenue
New York, New York 10166
Telephone: 212.318.6000

Jeffrey A. Pade
PAUL HASTINGS LLP
2050 M Street NW
Washington, DC 20036
Telephone: 202.551.1700

*Attorneys for Defendant Daiichi Sankyo
Company, Limited*

Longview, Texas 75604
Telephone: 903.757.6400
Facsimile: 903.757.2323

Attorneys for Plaintiff Seagen Inc.

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served this 14th day of February 2022, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Cynthia Fix

CERTIFICATE OF CONFERENCE

I hereby certify that counsel for Plaintiff and counsel for Defendants have complied with the meet and confer requirement in Local Rule CV-7(h) regarding this Motion on February 11, 2022. The Parties are in agreement and are seeking joint relief.

/s/ Matthew Chivvis

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MARSHALL DIVISION**

SEAGEN INC.,)	
)	
Plaintiff,)	
)	CASE NO. 2:20-cv-00337-JRG
v.)	
)	
DAIICHI SANKYO CO., LTD.,)	JURY TRIAL DEMANDED
)	
Defendant,)	
)	
ASTRAZENECA PHARMACEUTICALS LP,)	
AND ASTRAZENECA UK LTD.,)	
)	
Intervenor-Defendants.)	

ORDER

The Court, having considered Plaintiff Seagen Inc. and Defendants Daiichi Sankyo Company, Limited, AstraZeneca Pharmaceuticals LP and AstraZeneca UK Ltd.'s Joint Agreed Motions *In Limine*, and all other things properly before it, finds that the joint motion should be GRANTED.